

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL NO.
04-10393-RGS

UNITED STATES OF AMERICA

v.

FALCON DIOMEDES ANDUJAR-ARAI

FINAL STATUS REPORT

June 14, 2005

DEIN, M.J.

A Final Status Conference was held before this court on Tuesday, June 14, 2005, pursuant to the provisions of Local Rule 116.5(C). Based on that conference, this Court enters the following report, in accordance with Local Rule 116.5(D):

1. The defendant intends to enter a plea. However, the plea agreement is not yet finalized.
2. Discovery is completed.
3. There are no outstanding discovery issues. The defendant does not anticipate filing any dispositive motions.
4. Based upon the prior orders of the court dated January 3, 2005, February 14, 2005, March 30, 2005 and May 4, 2005, as of this date there are fourteen (**14**) days of non-excludable time under the Speedy Trial Act

(January 31, 2005 - February 13, 2005) and fifty-six (**56**) days remaining under the Speedy Trial Act in which this case must be tried.¹

5. No trial is anticipated.
6. The file is hereby ordered returned to the District Judge to whom this case is assigned for further proceedings.

/ s / Judith Gail Dein
Judith Gail Dein
United States Magistrate Judge

¹ Additionally, however, the parties having reported that the defendant has indicated an intention to enter a plea of guilty, this court hereby orders the entry of excludable time, pursuant to the provisions of 18 U.S.C. § 3161(h)(1), commencing on this date, and concluding at the time the defendant offers a plea or unequivocally communicates to the court that the defendant does not intend to offer a plea of guilty. See United States v. Mentz, 840 F.2d 315, 330-31 (6th Cir. 1988).